



MAYOR AND COUNCIL AGENDA

NO. 10

DEPT.: Community Planning and Development Services

DATE: 11/19/04

CONTACT: Castor D. Chasten, Planner III

ACTION: Public Hearing for the annexation of 37,600 square feet of land, more or less, located at 9604 Veirs Drive, as presented by the Virginia Simmons Trust, Petitioners.

ACTION STATUS:

FOR THE MEETING OF: 12/6/04

INTRODUCED 9/13/04

PUB. HEARING

INSTRUCTIONS

APPROVED

EFFECTIVE

ROCKVILLE CITY CODE,

CHAPTER

SECTION

☐ CONSENT AGENDA

RECOMMENDATION: Hold a Public Hearing on the annexation of the property located at 9604 Veirs Drive, from Montgomery County into the City of Rockville and upon annexation, assign the property the R-E (Residential Estates) zoning classification.

IMPACT: ☐ Environmental ☐ Fiscal ☐ Neighborhood ☒ Other:

This annexation would increase the area of the City by approximately 0.863 acres of unimproved land.

BACKGROUND: The petitioners' request annexation into the City of Rockville, property consisting of a single parcel of land containing .86 acres. The parcel is currently unimproved and heavily wooded. The subject property is classified in the RE-1 (one dwelling unit per acre) zone in Montgomery County. Upon annexation, the petitioners request that the subject property be classified in the R-E (Residential Estates) zone in the City of Rockville by the Mayor and Council. Both zones have 40,000 square foot minimum lot size requirements.

The subject petition has been submitted in accordance with the provisions of Article 23A of the Annotated Code of Maryland, which specifies procedures for annexation to a municipal corporation. In accordance with said provision the Mayor and Council introduced a resolution to enlarge the corporate boundaries of the City to include the subject property at its meeting on September 13, 2004. The Mayor and Council also adopted a resolution to provide for a public hearing in connection with the annexation of the subject property at its meeting on September 13, 2004. In accordance with Section 25-99 of the City of Rockville Zoning & Planning Ordinance the Planning Commission conducted a public hearing on November 17, 2004, so that interested persons, who wished to speak and/or submit written comments into the official record, had an opportunity to do so. The Planning Commission's public hearing on the matter allowed interested parties to comment and/or submit

written comments into the official record regarding the annexation of the property. No one spoke in opposition to the request, at the Commission meeting. Hence, after the Mayor and Council holds a public hearing on the request on December 6, 2004, it is expected the Mayor and Council will adopt a resolution to enlarge the corporate boundaries of the City and introduce the Ordinance amending the Zoning Map In February 2005. At its next regularly scheduled meeting in March 2005, the Mayor and Council would then adopt the Ordinance amending the Zoning Map.

PREPARED BY:

Castor D. Chasten

Castor D. Chasten, Planner III

APPROVE:

[Signature]
Robert Spalding, AICP, Chief of Planning

11-29-04
Date

[Signature]
Arthur D. Chambers, AICP, Director

11/29/04
Date

[Signature]
Scott Ullery, City Manager

11/30/04
Date

List OF ATTACHMENTS:

1. Staff Report dated November 10, 2004.

CITY OF ROCKVILLE PLANNING DIVISION
FINAL REPORT

November 10, 2004

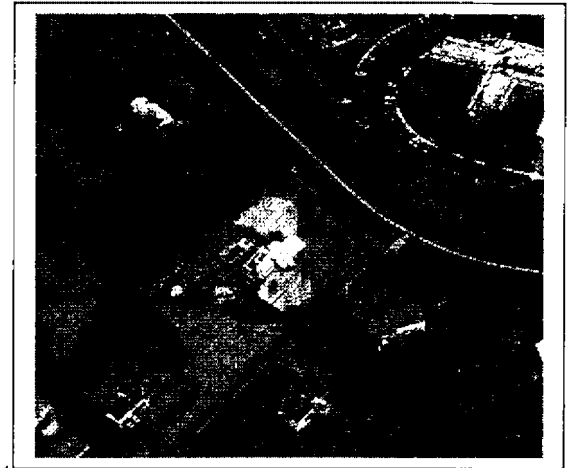
SUBJECT:

Annexation Petition ANX2004-00135

Petitioner: Virginia Simmons Trust
9604 Veirs Drive
Rockville, Maryland 20850

Property Location: 9604 Veirs Drive

Planning Commission Review Date: November 17, 2004
Mayor and Council Public Hearing Date: December 6, 2004



REQUEST:

The petitioners request annexation into the City of Rockville, property consisting of a single parcel of land containing 37,600 square feet, located on Veirs Drive in the Glen Hills Club Estates subdivision. The property is presently unimproved. The petitioners request the Mayor and Council classify the parcel for R-E (Residential Estates) land usage, upon annexation from Montgomery County into the City of Rockville.

PREFACE:

The subject petition has been submitted in accordance with provisions of Article 23A of the Annotated Code of Maryland, which specifies procedures for annexation to a municipal corporation. The law requires the Mayor and Council to introduce a resolution to propose annexation promptly upon being petitioned to do so. The Mayor and Council are also required to conduct a public hearing simultaneously for adoption of a new zoning map of the affected area.

Prior to the Mayor and Council's public hearing, the Planning Commission is required to study the subject area and transmit to the Mayor and Council its recommendation as to the appropriate zoning of the property. The Rockville Zoning and Planning Ordinance requires the Planning Commission to conduct a public hearing in conjunction with recommending new zoning.

ANALYSIS:

The Property - The subject property is approximately 37,600 square feet in size, rectangular in shape, with similar dimensions to other residential lots surrounding it. The property is currently undeveloped. Development of the property could include vehicular access onto Veirs Drive. The property is currently zoned for RE-1 (one dwelling unit per acre) land usage in Montgomery County.

Existing Land Use & Zoning in the Area – The subject property abuts land within the City of Rockville corporate limits to the northwest, north, and east, which are zoned for R-E (Residential Estates) land usage. The subject site is located on the south side of Veirs Drive, directly across the street from the National Lutheran Home Elderly Housing and Nursing facility. Based on available information the subject property and the neighboring residential property to the southeast are not served by public water and sewer. These properties currently have well and septic systems located on the respective properties.

Public Services and Facilities – The subject property is not located within the Washington Suburban Sanitary District, thus water and sewer services cannot be provided from the Washington Suburban Sanitary Commission (WSSC). City of Rockville public water and sewer services are available along Veirs Drive for a limited distance on either side of the subject property, which would allow the subject and neighboring properties to access City public water and sewer services. Any expense incurred in providing water and sewer services shall be the responsibility of the property owner/s.

Montgomery County provides no services to the subject property that would have to be compensated if the property is annexed. There are no public facilities currently located on the property. Since the subject property is can only accommodate one house, it is unlikely that neighborhood school capacities would be impacted by the annexation. City services such as police protection will be provided through general tax revenue. Any public improvements necessitated by future development such as storm drain or storm water management facilities will be the responsibility of the property owner or future developer, which would be constructed and installed under established permit and bond procedures.

Access to the site will continue to be from Veirs Drive. The Citywide Master Plan of the City of Rockville suggest a designation of single-family detached residential use. A traffic study or statement is not required since the number of peak hour trips generated by a single family home are well below the threshold for requiring such analysis.

The Rockville Master Plan Regarding Annexation – The subject property is included in the City's Urban Growth Areas" as established in the approved and adopted 2002 Citywide Master Plan of the City of Rockville. The Plan further indicates that the area should be designated for single family detached residential use.

Montgomery County Master Plan – The Approved & Adopted 2002 Potomac Subregion Master Plan calls for single-family residential zoning and development of the subject property. It recommends that the site remain in the county's RE-1 Zone.

Annexation Recommendation – Since the subject site lies within the Urban Growth Area of the City Rockville and is contiguous to the City of Rockville, approval of the annexation is recommended. Annexation of the property will assist the City's goal of promoting annexation for strategically situated properties near the City's boundaries.

The Maryland-National Capital Parks & Planning Commission (M-NCPPC) will review this application in the upcoming weeks. It is anticipated that the consent of the Montgomery County Council will not be required in this case because the proposed zoning and land use are consistent with those that would be allowed in the current Montgomery County zone.

Zoning Map

Procedure – When land is annexed all zoning upon that land which was imposed by the authority previously having jurisdiction will no longer exist. Hence, the Mayor and Council must adopt a new zoning map to become effective upon annexation. State law imposes some limitation on the zoning of newly annexed land. The law requires in substance, that the land uses of the City zone must not be substantially different from the use specified in the adopted Montgomery County Master Plan, covering the subject property prior to its annexation. It also precludes the City of Rockville from consideration of rezoning to a zone that allows substantially different land uses for a period of five years without the consent of the County Council.

Montgomery County Zoning Requirements – The Potomac Subregion Master Plan prepared by M-NCPPC is the most current County Plan covering the subject property. The Plan recommends residential land use and designation of the property to the RE-1 Zone. Single-family detached dwelling uses are permitted in the RE-1 Zone per the Montgomery County Zoning Ordinance.

The Rockville Plan Regarding Land Use and Zoning – The land use plan of the 2002 Citywide Master Plan recommends single family residential land use for the subject site, which is similar to the land uses found in the surrounding area.

Zoning Map Recommendation – Staff recommends the subject property be placed in the R-E (Residential Estates) Zone, if the Mayor and Council act to annex the property. The R-E Zone like the County's RE-1 Zone has a minimum lot size of 40,000 square feet. The land use recommendation is consistent with the recommendations found in the Rockville Master Plan and the applicable Montgomery County Plan.

Location Map

